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BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
STATE OF CALIFORNIA

| | | |
|----------------------------------|---|---------------------------------|
| In the Matter of |) | FPPC No.: 97/046 |
| |) | |
| AGAPITO FAJARDO, FRIENDS OF PETE |) | DEFAULT DECISION AND |
| FAJARDO, AND NATIVIDAD ODAL, |) | ORDER |
| |) | (Government Code section 11506) |
| Respondent. |) | |
| |) | |

Complainant Mark Krausse, Executive Director of the Fair Political Practices Commission, hereby submits this Default Decision and Order for consideration by the Fair Political Practices Commission at its next regularly scheduled meeting.

Pursuant to the California Administrative Procedure Act,¹ Respondents Agapito Fajardo, Friends of Pete Fajardo and Natividad Odal have been served with all of the documents necessary to conduct an administrative hearing regarding the above-captioned matter, including the following:

1. A Finding of Probable Cause;
2. An Accusation;

¹ The California Administrative Procedure Act, which governs administrative adjudications, is contained in sections 11370 through 11529 of the Government Code.

- 3 A Notice of Defense (Two Copies);
4 A Statement to Respondent; and,
5 Sections 11506, 1507.5, 11507.6 and 11507.7 of the Government Code.


Section 11506 of the Government Code provides that failure by a respondent to file a Notice of Defense within fifteen days after being served with an Accusation shall constitute a waiver of respondent's right to a hearing on the merits of the Accusation. The Statement to Respondent, served on Respondents Agapito Fajardo, Friends of Pete Fajardo and Natividad Odal, explicitly states that a Notice of Defense must be filed in order to request a hearing. Respondents Agapito Fajardo and Friends of Pete Fajardo properly filed a Notice of Defense within fifteen days of being served with an Accusation. Upon receiving service of an amended Accusation, Respondents Agapito Fajardo and Friends of Pete Fajardo withdrew their Notice of Defense prior to a hearing being held in this matter. Respondent Natividad Odal did not file a Notice of Defense within fifteen days of being served with an Accusation.

Respondents Agapito Fajardo and Friends of Pete Fajardo committed eighteen violations of the Political Reform Act, and Respondent Natividad Odal committed three violations of the Political Reform Act, as described in Exhibit 1, which is attached hereto and incorporated by reference as though fully set forth herein. Exhibit 1 is a true and accurate summary of the facts in this matter.

This Default Decision and Order is submitted to the Commission to obtain a final disposition of this matter.

Dated

11/24/03


Mark Krausse
Executive Director
Fair Political Practices Commission

ORDER

The Commission issues this Decision and Order and imposes an administrative penalty of \$30,000 (Thirty Thousand Dollars) upon Respondents Agapito Fajardo and Friends of Pete Fajardo, joint and severally, and \$6,000 (Six Thousand Dollars) upon Respondents Agapito Fajardo, Friends of Pete Fajardo, and Natividad Odal, jointly and severally, payable to the “General Fund of the State of California.”

IT IS SO ORDERED, effective upon execution below by the Chairman of the Fair Political Practices Commission at Sacramento, California.

Dated: _____

Liane M. Randolph, Chairman
Fair Political Practices Commission